

Message Text

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ACTION ARA-10

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R 091930Z JAN 76

FM AMEMBASSY BRASILIA

TO SECSTATE WASHDC 3296

C O N F I D E N T I A L SECTION 1 OF 2 BRASILIA 0227

FOLLOWING RECD FM SAO PAULO DATED 08 JAN SENT ACTION BRASILIA
INFO RIO NOW BEING REPEATED FOR YOUR ACTION:

QUOTE

SAO PAULO 0059

E.O. 11652: GDS

TAGS: PINS, PINT, MILI, BR

SUBJECT: THE CASSATIONS: TWO VERSIONS

1. SUMMARY: SOME OBSERVERS HERE PLACE THE CASSATIONS OF DEPUTIES NELSON FABIANO SOBRINHO AND MARCELO GATO IN THE GREATER CONTEXT OF THE STRUGGLE BETWEEN THE SOFT AND HARD LINERS IN GOVERNMENT. IN THEIR VIEW, THIS LATESTS INCIDENT REPRESENTS YET ONE MORE ROUND WON BY THE "LINHA DURA" AND PRESAGES MORE CRACKDOWNS TO COME. OUR MINISTRY OF EDUCATION SECURITY CONTACT, HOWEVER, CLAIMS THE HARD LINERS HAVE HELD SWAY FOR SOME TIME AND THAT THE CASSATIONS WERE AN ISOLATED, ALTHOUGH ALBEIT EXEMPLARY, REACTION TO A SPECIFIC PROVOCATION. HE ALLEGES THE CASSATIONS WILL FOR A TIME DETER SUBVERSIVES FROM PROCEEDING WITH PLANNED DISRUPTIONS THUS OBVIATING THE NEED FOR A CORRESPONDING RENEWED RETALIATORY CAMPAIGN BY SECURITY FORCES. END SUMMARY.

2. SEVERAL NON-SECURITY SOURCES PROVIDED US WITH THE FOLLOWING ACCOUNT OF EVENTS LEADING UP TO THE CASSATIONS.

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EVER SINCE THE UNCOVERING OF THE PCB PRESS IN SAO PAULO

IN JANUARY 1975, THE SECURITY ORGANS HERE HAVE BEEN ITCHING TO GET THEIR HANDS ON GATO, FABIANO, AND SAO PAULO STATE MDB DEPUTY ALBERTO GOLDMAN, ALL OF WHOM WERE APPARENTLY NAMED BY AT LEAST ONE OF THOSE INTERROGATED DURING THE ENSUING INVESTIGATION AS HAVING BEEN SUPPORTED BY THE PCB IN THE 1974 ELECTIONS. SECURITY ORGANS, HOWEVER, WERE NEVER ABLE TO ARREST THE THREE BECAUSE THEY LACKED ANY CONCLUSIVE PROOF THAT THE DEPUTIES HAD IN FACT ENTERED INTO SOME SORT OF AGREEMENT WITH THE PCB IN EXCHANGE FOR THE PARTY'S SUPPORT. DESPITE THEIR INABILITY TO DIG UP ANY HARD, INCRIMINATING EVIDENCE, THE SECURITY ORGANS FROM TIME TO TIME DURING THE COURSE OF THEIR YEAR LONG INVESTIGATION RELEASED TO THE PRESS ALLEGATIONS OF THE DEPUTIES' ALLEGED "TIES" WITH THE PCB.

3. CONCERNED ABOUT THE SECURITY ORGANS' CAMPAIGN AGAINST THEM AND AT THE PROSPECT THAT THEIR NAMES WOULD FIGURE AMONG THOSE CITED IN THE FINAL REPORT OF THE STATE DEOPS INVESTIGATION INTO COMMUNIST PARTY ACTIVITY IN SAO PAULO, THE THREE DEPUTIES APPARENTLY ASKED GOVERNOR PAULO EGYDIO TO SOLICIT INTERVENTION OF HIS "DISTENCAO" FRIENDS IN BRASILIA TO ASSURE THAT THEIR NAMES WOULD NOT APPEAR. AS THIS VERSION GOES, PAULO EGYDIO WAS SUCCESSFUL IN HIS ENDEAVOR AND ASSURED THE THREE THAT THEIR NAMES WOULD NOT BE CITED.

4. CONFIDENT HE HAD PREVAILED, PAULO EGYDIO DEPARTED FOR HIS MOUNTAIN RETREAT IN CAMPOS DO JORDAO TO SPEND THE HOLIDAYS. AT THIS POINT, THE PLOT THICKENS. WITH THE GOVERNOR ON HIS WAY OUT OF TOWN, THE STATE DEOPS WITH THE FULL SUPPORT OF THE GOVERNOR'S HARD LINE NEMESIS SECOND ARMY COMMANDER GENERAL EDNARDO D'AVILA MELO RELEASED WHAT WAS PURPORTED TO BE THE FINAL REPORT OF ITS INQUIRY THAT CITED THE NAMES OF THE THREE DEPUTIES FOR ALLEGED TIES WITH THE PCB. ACCORDING TO THESE SOURCES, THE COPY RELEASED WAS NOT THE OFFICIAL ONE TO BE PRESENTED TO THE MILITARY TRIBUNAL, BUT RATHER HAD BEEN ESPECIALY DOCTORED FOR THE PRESS. THE AIM OF THIS MANEUVER WAS TO PROVOKE A VIOLENT REACTION BY THE DEPUTIES, ONE THAT WOULD PROVIDE A PRETEXT FOR THE HARD LINERS TO MOVE AGAINST THEM.

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5. AS CALCULATED, GATO AND FABIANO, NO DOUBT FEELING BETRAYED BY PAULO EGYDIO, ISSUED HIGHLY EMOTIONAL STATEMENTS TO THE PRESS IN EFFECT CLAIMING THAT EVERYBODY KNEW THAT THOSE WHO HAD IMPLICATED THEM HAD BEEN COMPELLED BY TORTURE TO DO SO. WITH THE MEMORY OF THE UPROAR OVER VALDIMIR HERZOG'S DEATH WEIGHING HEAVILY ON THEIR MINDS, THE LOCAL ARMY SECURITY ORGANS INTERPRETED THE DENUNCIATIONS AS

CONSTITUTING AN INTOLERABLE SLANDER. AND, WHEN THE YOUTHFUL, STRONG MINDED DEPUTIES' PREDICTABLY REFUSED TO AGREE TO A HUMILIATING "LEITE CHAVES"-LIKE RETRACTION URGED BY GOVERNOR PAULO EGYDIO AS A WAY OUT OF THE IMPASSE, GENERAL EDNARDO DISPATCHED STATE SECURITY SECRETARY COLONEL ERASMO DIAS TO BRASILIA TO DEMAND THE TWO DEPUTIES' IMMEDIATE CASSATION. ACCORDING TO THIS VERSION, PRESIDENT GEISEL, FACED WITH OVERWHELMING PRESSURE FROM THE HARD LINERS, FELT HE HAD NO ALTERNATIVE BUT TO ORDER THE CASSATIONS TO DEFEND AND UPHOLD THE HONOR OF THE ARMED FORCES WHICH THE DEPUTIES' DENUNCIATIONS HAD CALLED IN TO QUESTION.

6. WHATEVER THE VERAAACITY OF THIS SCENARIO, LOCAL SOURCES

CREDIT THE HARD LINERS WITH YET ANOTHER VICTORY OVER THE ADHERENTS OF "DISTENCAO". IN THEIR VIEW, THE CASSATION WOULD APPEAR TO REPRESENT A RESUMPTION OF ANTI-SUBVERSIVE CAMPAIGN THAT WAS MOMENTARILY STALLED FOLLOWING THE DEATH OF VLADIMIR HERZOG WHOSE ULTIMATE AIM, THEY FEAR, MIGHT BE TO JUSTIFY THE CANCELLATION OF THE 1976 MUNICIPAL COUNCIL ELECTIONS.

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FM AMEMBASSY BRASILIA

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7. OUR MINISTRY OF EDUCATION SECURITY SOURCE CONFIRMED THAT THE TWO DEPUTIES' DECLARATIONS HAD IN FACT PROVOKED THEIR CASSATION WHICH, HE INSISTED, HAD NOT BEEN PREVIOUSLY PLANNED. THEIR STATEMENTS HAD PRESENTED THE SECURITY FORCES WITH A GOLDEN BUT TOTALLY UNFORESEEN OPPORTUNITY TO PRESS FOR THE REMOVAL OF THE TWO ON WHOM MUCH EVIDENCE LINKING THEM TO THE

PCB HAD BEEN PREVIOUSLY COMPILED. HE EXPLICITLY DISCOUNTED, HOWEVER, THE THESIS THAT THE SECURITY FORCES HAD RELEASED A BOGUS "INQUERITO" TO THE PRESS CONTAINING THE NAMES OF THE THREE DEPUTIES IN ORDER TO PROVOKE THEM INTO SAYING SOMETHING THAT COULD BE USED AGAINST THEM. THIS SOURCE ALLEGED THAT THE MERE MENTION OF THEIR NAMES IN THE FINAL "INQUERITO" DID NOT AUTOMATICALLY MEAN THAT THEY WOULD BE EVENTUALLY INDICTED ("INDICIADO") BY THE COMPETENT MILITARY TRIBUNAL ALTHOUGH HE WOULD NOT RULE OUT THIS POSSIBILITY. HE SAID FURTHER THAT THE PRESS APPEARED TO CONFUSE THIS LEGAL DIFFERENCE WHICH, IRONICALLY, MAY HAVE PRECIPITATED DEPUTIES GATO AND FABIANO INTO MAKING THEIR ILL-ADVISED STATEMENTS. ONCE MADE, HOWEVER, HE CLAIMED THE GOVERNMENT HAD TO REACT FIRMLY TO DEMONSTRATE ITS CONTINUED DETERMINATION TO RESPOND FRONTALLY TO "CONTESTACAO." HE CLAIMED THAT WHILE THE GOVERNMENT DID NOT LIKE TO USE ITS CASSATION POWERS, PARTICULARLY WITH REGARD TO GATO, A FEDERAL DEPUTY, FAILURE TO DO SO WOULD HAVE INVITED STILL MORE CHALLENGES TO GOVERNMENT AUTHORITIES BY THE LEFT. ONCE AGAIN HE EMPHASIZED THAT GOVERNMENT SECURITY ORGANS POSSESS INFORMATION LINKING THE TWO CASSATED DEPUTIES (PLUS GOLDMAN

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AND FEDERAL DEPUTIES LYSANEAS MACIEL AND AIRTON SOARES) TO THE PCB, BUT THAT THIS WAS NOT THE IMMEDIATE CAUSE OF THE CASSATIONS.

8. ASKED TO PLACE THE CASSATIONS IN THE CONTEXT OF THE STRUGGLE BETWEEN THOSE IN GOVERNMENT WHO FAVORED "DISTENCAO" AND THOSE SUPPORTING THE "LINHA DURA" OR "LINHA REALISTA" AS HE PREFERRED TO DESCRIBE IT, THE SOURCE SAID THAT THE CASSATION DID NOT REPRESENT A NEW VICTORY FOR THE "REALISTAS," BUT RATHER A CONFIRMATION OF THEIR CONTINUED PREDOMINANCE OF MANY MONTHS STANDING. HE REMINDED THE REPORTING OFFICER THAT THE FORCES OF "DISTENCAO" CONSISTED MERELY OF A RELATIVELY SMALL NUMBER OF INDIVIDUALS SUCH AS PRESIDENT GEISEL, GENERAL GOLBERY AND SOME MINISTERS AND GOVERNORS INCLUDING PAULO EGYDIO WHO WERE ABLE TO HAVE THEIR WAY IN ONLY SPECIFIC INSTANCES FOR LIMITED PERIODS OF TIME. BY WAY OF EXAMPLE, HE CITED THE UNIVERSITY OF SAO PAULO (USP) COMMUNICATIONS SCHOOL DISTURBANCES IN MID-1975 IN WHICH THE SECURITY FORCES WERE PREVENTED FROM MAKING ARRESTS AS A RESULT OF INTERVENTION BY THE PRO-"DISTENCAO" GGROUP. THE "LINHA REALISTA" OR "SISTEMA," HOWEVER, REPRESENTED NOT INDIVIDUALS BUT THE COLLECTIVE WEIGHT OF THE SECURITY ORGANS AND THE ARMED FORCES WHO WERE ABLE TO IMPOSE THEIR CRITERIA MOST OF THE TIME. HE ILLUSTRATED THIS BY NOTING POINTEDLY THAT THE RESTRAINTS IMPOSED ON SECURITY FORCE ACTIVITIES AT USP LAST YEAR HAVE BEEN REMOVED.

9. HE ALSO INSISTED THAT THE CASSATIONS DID NOT MARK A "RETOMADA" OF THE "SISTEMA'S" ANTI-SUBVERSIVE OFFENSIVE THAT WAS SLOWED

FOLLOWING THE DEATH OF VLADIMIR HERZOG. EXPLAINING THAT THE
"SISTEMA" RESPONDS TO PROVOCATIONS BY SUBVERSIVES BUT DOES
NOT SEEK TO STIR UP UNTROUBLED WATERS, HE PREDICTED THAT
CASSATIONS WOULD CONVINCE SUBVERSIVES THAT THE CLIMATE WAS NOT
PROPITIOUS FOR DISRUPTIONS THEY HAD PROGRAMMED FOR EARLY 1976,
PARTICULARLY AT THE UNIVERSITY OF SAO PAULO. THEREFORE, HE
ADDED, THE CORRESPONDING REACTION WHICH HAD BEEN PREPARED BY
THE SECURITY FORCES WOULD NOT BE REQUIRED FOR THE TIME BEING.
FURTHERMORE, HE SAID, THE "RESPONSIBLE" ATTITUDE BEING SHOWN
SO FAR BY MDB POLITICIANS IN THE FACE OF THE CASSATIONS MADE IT
UNLIKELY THAT THERE WOULD BE NEW CASSATIONS.

HEFLIN UNQUOTE

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